

ZONING REVIEW SHEET**CASE:** C14-2007-0164**P.C. DATE:** November 13, 2007**ADDRESS:** 800 West Cesar Chavez Street**OWNER:** City of Austin (Gary Glover)**AGENT:** City of Austin Neighborhood Planning and Zoning Dept. (Jorge E. Rousselin)**ZONING FROM:** Unzoned ROW and P (Public)**TO:** DMU-CURE (Downtown Mixed Use - Central Urban Redevelopment) combining district)**AREA:** 7.127 Acres**SUMMARY PLANNING COMMISSION RECOMMENDATION:***November 13, 2007:****APPROVED STAFF RECOMMENDATION OF DMU-CURE-CO WITH CONDITIONS AND LIMITED HEIGHT OF 393 FEET TO 40,000 SQUARE FEET ON THE NORTHEAST CORNER OF THE PROPERTY. (8-1) [M. DEALEY; T. ATKINS, 2ND]*****SUMMARY STAFF RECOMMENDATION:**

Staff offers an alternate recommendation of DMU-CURE-CO with conditions. The CURE combining district shall address the following:

- Modify the maximum height allowed from 120 feet to 393 feet;
- Allow cocktail lounge as a permitted use at a maximum area of 9,000 square feet without the requirement of a conditional use site plan;
- Allow outdoor entertainment as a permitted use on the site;
- Use of public right-of-way for off street loading and refuse collection; and
- 25,000 square feet of convenience storage as a permitted use.

The recommended conditional overlay will allow cocktail lounge use up to a maximum 9,000 square feet without the requirement of a conditional use site plan. Under additional conditions, the site will be subject to complying with Great Street landscape for portions of public right-of-way fronting the subject site that have not been improved to Great Streets standards. The Staff recommendation is based on the following considerations:

- 1.) The proposed use is compatible with existing commercial and mixed-use development along West Avenue, West 3rd Street, and West Cesar Chavez Street;
- 2.) The proposed development lies within the downtown CURE district;
- 3.) The site lies within the designated Core Downtown District as identified by the Downtown Austin Design Guidelines which recommend providing dense, multi-tenant, pedestrian-oriented development at street level while encouraging the densification of the downtown core;
- 4.) Great Streets Program participation on all properties within the downtown core requesting a CURE overlay has been recommended and approved by the City Council; and
- 5.) The Seaholm Master Plan recommends the revitalization of this section of downtown with a mixture of retail, office and high density residential.

DEPARTMENT COMMENTS:

The subject area consists of a 7.127 acre site of unzoned, undeveloped property partially zoned P public accessed from West Cesar Chavez Street, West Avenue, and West 3rd Street. The site lies within the North Shore Central Waterfront Overlay subdistrict. Any new development will be required to comply with site development regulations for this overlay in accordance with [LDC Section 25-2-721 and 25-2-738]. Furthermore, the site lies within the Lamar Bridge Capitol View Corridor. Proposed structures will be required to comply with height requirements as determined by a Capitol View Corridor Determination in accordance with [LDC Section 25-2-642].

The applicant proposes to rezone the property to DMU-CURE district to allow for a mixed-use development including a 395' structure with the following proposed uses: offices, retail, hotel, condominiums, events center, and convenience storage. Modifications to the base zoning district sought under CURE include height, permitted uses, and use of right-of-way.

Current site development regulations for DMU are as follows:

DMU	
Maximum Height:	120'
Maximum Building Coverage:	100%
Maximum Impervious Cover:	100%
Maximum Floor Area Ratio:	5:1

Source: The Code of the City of Austin, Volume III, Chapter 25-2-492

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	UNZ / P	Undeveloped land / Former power plant
<i>North</i>	DMU-CO	Apartments - Condominiums
<i>South</i>	P	Town Lake Shore / Park
<i>East</i>	P	City of Austin Water Treatment Plant
<i>West</i>	DMU-CURE-CO	Undeveloped land

AREA STUDY: Seaholm Master Plan and Downtown Austin Design Guidelines

TIA: Waived, Transportation comments

WATERSHED: Shoal Creek; Town Lake

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: Yes

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

57--Old Austin Neighborhood
 300--Terrell Lane Interceptor Assn.
 511--Austin Neighborhoods Council
 402--Downtown Austin Neighborhood Assn. (DANA)
 623--City of Austin Downtown Commission
 998--West End Austin Alliance
 742--Austin Independent School District

744--Sentral Plus East Austin Koalition (SPEAK)
 767--Downtown Austin Neighborhood Coalition
 786--Home Builders Association of Greater Austin
 1004--Save Town Lake.Org
 1032--CIM
 1037--Homeless Neighborhood Organization

SCHOOLS:

Austin Independent School District

- Mathews Elementary School
- O. Henry Middle School
- Austin High School

RELATED CASES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-87-57	UNZ, CBD, and DMU to P	05/05/087: APVD P-Public (9-0)	05/07/87: APVD P (5-0); ALL 3 RDGS

CASE HISTORIES:

C14-05-0005	DMU to DMU-CURE	11/01/5: APVD DMU-CURE-CO W/CONDS (7-1-1, JM-NO, MH-ABSTAIN)	02/02/06: APVD DMU-CURE (7-0); ALL 3 RDGS
C14-05-0093	ROW to DMU	2/06/05: APVD STAFF REC OF DMU BY CONSENT (7-0)	02/20/06: APVD DMU W/COND OF HEIGHT LIMIT OF 60 FT (7-0); ALL 3 RDGS
C14-02-0112	Old West Austin Neighborhood Plan Combining District	08/14/02: PC APPROVED: (6-0, DS-RECUSED) SF-2-NP, SF-2-H-NP, SF-3-NP, SF-3-H-NP, SF-4A-NP, SF-6-NP, MF-2-NP, MF-3-NP, MF-3-H-NP, MF-4-NP, MF-4-H-NP, NO-NP, NO-CO-NP, NO-MU-H-CO-NP, P-NP, P-H-NP, LO-NP, LO-CO-NP, LO-H-NP, LO-MU-NP, GO-NP, GO-CO-NP, LR-NP, GR-NP, GR-MU-CO-NP, CS-MU-CO-NP, CS-H-MU-CO-NP, CS-1-MU-CO-NP, LI-CO-NP, PUD-NP.	09/26/02: APVD SF-2-NP, SF-2-H-NP, SF-3-NP, SF-3-H-NP, SF-4A-NP, SF-6-NP, MF-2-NP, MF-3-NP, MF-3-H-NP, MF-4-NP, MF-4-H-NP, NO-NP, NO-CO-NP, NO-MU-H-CO-NP, P-NP, P-H-NP, LO-NP, LO-CO-NP, LO-H-NP, LO-MU-NP, GO-NP, GO-CO-NP, LR-NP, GR-NP, GR-MU-CO-NP, CS-MU-CO-NP, CS-H-MU-CO-NP, CS-1-MU-CO-NP, LI-CO-NP, PUD-NP AND DIRECTED STAFF TO INITIATE REZONING OF 1706 & 1708 W 6TH FROM SF-2-NP TO NO-MU-CO-NP
C14-05-0025	SF-2-NP TO NO-MU-CO-NP	05/24/05: PC : APPROVE STAFF RECOMMENDATION, INCLUDING ALL CONDITIONS, BUT REQUIRE INGRESS AND EGRESS ONLY FROM THE ALLEY AND DIRECT STAFF TO PREPARE A PLAN TO ALLOW ON-STREET PARKING ON WEST 6 TH STREET TO ADDRESS THE PARKING CONCERNS FOR SITE. VOTE: (JR-1 st , MM-2 nd , CM-OPPOSED, CG- ABSENT)	Pending: September 1, 2006
C14-03-0168	DMU-CURE to DMU-CURE	01/06/04 : ZAP – Pulled, sent to City Council without	01/29/04: APVD STAFF REC OF DMU-CO-CURE (NO COCKTAIL

	(ground floor rezoned for office and pedestrian oriented uses)	recommendation.	LOUNGE), (5-0); 1ST RDG; 02/12/04: APVD DMU-CO-CURE (7-0); 2ND/3RD RDGS
C14-00-2132	DMU to CBD	08/22/00: PC - APVD STAFF REC W/COND OWNER RECONNECT HIKE/BIKE TRAIL (8-0); SA-ABSENT)	09/28/00: APVD CBD-CO W/CONDS (7-0) ALL 3 RDGS Conditional Overlay: - Vehicle trip limitation to 2,000
C14-00-2127	DMU to CBD	08/22/00: PC - APVD STAFF REC W/COND OWNER RECONNECT HIKE/BIKE TRAIL (8-0); SA-ABSENT)	09/28/00: APVD CBD-CO W/CONDS (7-0) ALL 3 RDGS Conditional Overlay: - Height limitation of 170 feet; - FAR of 5:1.
C14-99-0002	P to DMU-CO	02/09/99: PC - APVD STAFF REC OF DMU-CO BY CONSENT (9-0).	04/15/99: APVD DMU-CO W/CONDITIONS (7-0) 2ND/3RD RDGS Conditional Overlay: Vehicle trip limitation to 2,000
C14-83-140	D to C	07/24/83: Approved zoning and a site plan for office building and parking garage. (7-1)	10/18/84 APVD C, 3RD H&A; 3RD RDG, EMERG. PASS.
C14-01-0070	DMU to DMU-CURE	08/21/01: Approved Staff's recommendation of DMU-CURE. (7-1, JM-NO).	09/27/01: Motion to approve DMU-CURE failed on a vote of 3-4 vote. (JG/BG/DS/DT-NO).

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
W Cesar Chavez			Arterial	No	Hike & Bike Trail	455 Red Dillo 3 Manchaca 171 Oak Hill
West Ave	80'	35'	Collector	No		
3 rd Street	57'	35'	Collector	Yes		
UP Rail Road	N/A	N/A	Rail Line	No		

CITY COUNCIL DATE:

December 13, 2007

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Jorge E. Rousselin, NPZD

PHONE: 974-2975

E-MAIL: jorge.rousselin@ci.austin.tx.us





800 W. Cesar Chavez St.
C14-2007-0164

Town Lake

Legend

Zoning

Base

Center Line

100 0 100 200 300 Feet

C14-2007-0164

STAFF RECOMMENDATION

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BASIS FOR RECOMMENDATION

1. The proposed zoning should be consistent with the purpose statement of the district sought.

§ 25-2-101 DOWNTOWN MIXED USE (DMU) DISTRICT DESIGNATION.

Downtown mixed use (DMU) district is the designation for a use located on the periphery of an area that has a CBD designation. A DMU district designation may be applied to a development that includes any combination of office retail, commercial, and residential uses and that is compatible with the downtown area. A DMU district use with an intermediate density may be used as a transition between the downtown area and surrounding districts. A DMU district is suitable for an area to which the central business district may expand.

The proposed rezoning meets the purpose statement set forth in the Land Development Code. The subject property is situated across from residential multifamily development and mixed uses along West 3rd Street and along Lamar Boulevard. The site also lies within the CURE overlay district which states:

§ 25-2-163 CENTRAL URBAN REDEVELOPMENT (CURE) COMBINING DISTRICT PURPOSE.

(A) The purpose of a central urban redevelopment (CURE) combining district is to promote the stability of neighborhoods in the central urban area.

(B) A CURE combining district may be used:

- (1) for sustainable redevelopment of homes, multifamily housing, and small businesses;*
- (2) to accommodate high priority projects that enhance the stability of urban neighborhoods including the development of affordable housing and small businesses along principal transportation routes that serve a neighborhood;*
- (3) to improve the natural environment; and*
- (4) to encourage high quality development with architectural design and proportion compatible with the neighborhood.*

2. Zoning changes should promote compatibility with adjacent and nearby uses

The proposed change is compatible with the surrounding area where there exists a variety of land uses conducive to promoting a variety of residential, commercial, industrial, and civic uses.

EXISTING CONDITIONS

Site Characteristics

The subject area consists of a 7.127 acre site of unzoned, undeveloped property partially zoned P public accessed from West Cesar Chavez Street, West Avenue, and West 3rd Street. The site lies within the North Shore Central Waterfront Overlay subdistrict. Furthermore, the site lies within the Lamar Bridge Capitol View Corridor.

Transportation

1. The traffic impact analysis was waived per a pending development agreement. The City will provide the following improvements to the public infrastructure: extension of West Avenue and construction of a new north/south drive connecting 3rd Street and Cesar Chavez.
2. Right-of-way dedication may be required for the extension of West Avenue.
3. Please provide more information regarding the requested modification to LDC 25-6-592 to allow use of r-o-w to maneuver for access to off-street loading and trash collection. Which specific street will the site be using? How will loading and trash collection work for the site? Is there a conceptual schematic that can be submitted for review?

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek and Town Lake Watersheds of the Colorado River Basin, which are classified as Urban Watersheds by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

4. According to flood plain maps, there is flood plain within the project area.
5. The site is currently developed with the Seaholm Power Plant. There are no known significant environmental features on this portion of the property.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Water and Wastewater

1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocation, and abandonment. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Site Plan

2. This project is within the North Shore Central Waterfront Overlay subdistrict. Any new development will be required to comply with the respective site development regulations for this overlay, (LDC Section 25-2-721 and 25-2-738).
3. This site is within the Lamar Bridge Capitol View Corridor. Proposed structures will be required to comply with height requirements as determined by a Capitol View Corridor Determination for this site. (LDC Section 25-2-642)
4. Cesar Chavez is considered a Scenic Roadway; any new signs proposed along this roadway will be required to comply with LDC Section 25-10-6.